

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

SERTA SIMMONS BEDDING, LLC and
DREAMWELL, LTD.,

Plaintiffs,

v.

CASPER SLEEP INC.,

Defendant.

Civil Action No. 17-cv-7468

**DEFENDANT CASPER SLEEP INC.'S NOTICE OF MOTION FOR LEAVE TO
FILE A SUR-REPLY IN OPPOSITION TO PLAINTIFFS' MOTION FOR
RECONSIDERATION**

PLEASE TAKE NOTICE that Defendant Casper Sleep Inc. ("Casper"), by and through its undersigned counsel, respectfully moves for permission to file a sur-reply in opposition to Plaintiffs' motion for reconsideration. A sur-reply is necessary to correct gross misstatements of law and fact contained in Plaintiffs' reply in support of their motion for reconsideration. This motion is based on Casper's memorandum of law submitted in connection with this motion, the documents and court filings referenced therein, as well as such other and further evidence or argument as may be properly presented to the Court. This motion is brought under the Court's inherent authority.

Respectfully submitted,

Dated: March 22, 2018

/s/Katherine Q. Dominguez

GIBSON, DUNN & CRUTCHER, LLP

Josh A. Krevitt
email: jkrevitt@gibsondunn.com
Katherine Q. Dominguez
email: kdominguez@gibsondunn.com
200 Park Avenue, 48th Floor
New York, NY 10166
Telephone: (212) 351-4000
Facsimile: (212).351-4035

Stuart M. Rosenberg (*Pro Hac Vice*)
email: srosenberg@gibsondunn.com
1881 Page Mill Road
Palo Alto, CA 94304
Telephone: (650) 849-5389
Facsimile: (650) 849-5089

Jordan Bekier (*Pro Hac Vice*)
email: jbekier@gibsondunn.com
333 South Grand Avenue
Los Angeles, CA 90071
Telephone: (213) 229-7736
Facsimile: (213) 229-6726

Nathan Curtis (*Pro Hac Vice*)
email: ncurtis@gibsondunn.com
2100 McKinney Ave, Ste. 1100
Dallas, TX 75201
Telephone: (214) 698-3423
Facsimile: (214) 571-2961

Attorneys for Defendant Casper Sleep Inc.

CERTIFICATE OF SERVICE

I certify that the foregoing document was electronically filed with the Clerk of the Court on March 22, 2018, via the Court's CM/ECF system and has been served on all counsel of record who have consented to electronic service.

Dated: March 22, 2018

/s/Katherine Q. Dominguez
Katherine Q. Dominguez